

ASSEMBLY BILL

No. 1187

Introduced by Assembly Member Leno

February 21, 2003

An act to add Article 10 (commencing with Section 33492.150) to Chapter 4.5 of Part 1 of Division 24 of the Health and Safety Code, relating to redevelopment.

LEGISLATIVE COUNSEL'S DIGEST

AB 1187, as introduced, Leno. Redevelopment: Hunters Point Shipyard.

(1) Existing law, known as the Community Redevelopment Law, authorizes the establishment of a redevelopment project area located within the boundaries of a military base that has been closed pursuant to the actions of the federal Defense Base Closure and Realignment Commission.

This bill would add to the Community Redevelopment Law provisions authorizing the establishment of a redevelopment project for the territory occupied by the Hunters Point Shipyard and authorize the establishment of the Hunters Point Shipyard Development Authority (HUPSDA). The bill would require the San Francisco Redevelopment Authority to cooperate with the HUPSDA to facilitate transfer to the HUPSDA of the role of redevelopment agency and trust administration for the Hunters Point Shipyard, thereby creating a state-mandated local program. The bill would specify the purposes and the general location of the authorized project area.

(2) The Hunters Point Shipyard Conversion Act of 2002 grants to , and vests in the San Francisco Redevelopment Agency all of the state's right, title, and interest in the Hunters Point trust lands and other lands.

This bill would transfer the state's right, title, and interest in these lands to the HUPSDA.

(3) This bill would declare that, due to the unique circumstances pertaining to the closure of the Hunters Point Shipyard, a general statute within the meaning of specified provisions of the California Constitution cannot be made applicable and a special statute is necessary.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Article 10 (commencing with Section
2 33492.150) is added to Chapter 4.5 of Part 1 of Division 24 of the
3 Health and Safety Code, to read:

4
5 Article 10. Hunters Point Shipyard Development Authority

6
7 33492.150 This act shall be known, and may be cited, as the
8 Hunters Point Shipyard Development Authority Act of 2003.

9 33492.151. This act governs the establishment of the Hunters
10 Point Shipyard Development Authority (HUPSDA) and provides
11 for the appointment of the HUPSDA board and the authority,
12 powers, and duties of the board. This act transfers the state's
13 sovereign interest in the Hunters Point trust lands from the San
14 Francisco Redevelopment Agency to the authority and establishes
15 the authority as the trust administrator for those lands.

16 33492.152. The Legislature finds and declares all of the
17 following:



1 (a) It is the intent of the Legislature with the enactment of this
2 act to provide a means for mitigating the serious economic and
3 environmental effects of the closure of the Hunters Point Shipyard
4 on the City and County of San Francisco, its surrounding
5 communities, and the State of California by vesting a single
6 purpose entity with redevelopment authority over the Hunters
7 Point Shipyard and, with respect to the portion of the Hunters Point
8 Shipyard subject to the public trust for navigations, commerce and
9 fisheries, the power to administer the trust.

10 (b) In 1939, the United States began acquiring lands for
11 purposes of constructing and operating what came to be known as
12 the Hunters Point Shipyard. The Hunters Point Shipyard was a
13 major center of employment for the Bayview-Hunters Point
14 community of the City and County of San Francisco, providing
15 logistics support, and construction, maintenance, and repairs of
16 ships for United States Naval operations. At its peak, the shipyard
17 employed 17,000 civilian and military personnel, many of whom
18 lived in the neighborhood.

19 (c) The Hunters Point Shipyard was closed in 1974, but
20 continued to be used for ship docking and repair activities.
21 Portions were also leased to several small businesses, artisans, and
22 others. In 1989, due to environmental contamination on the base,
23 the Environmental Protection Agency placed the shipyard on the
24 National Priorities List of “Superfund” cleanup sites. The
25 Hunters Point Shipyard was formally designated by the Navy for
26 closure and potential reuse by the community pursuant to the
27 Defense Base Closure and Realignment Act of 1990 (P.L.
28 101-510) and subsequent amendments thereto.

29 (d) Closure of the shipyard had profound negative impacts on
30 the economic base of the Bayview-Hunters Point community of
31 the City and County of San Francisco, contributing to an
32 unemployment rate that has remained significantly higher than the
33 citywide rate. The Bayview-Hunters Point neighborhood has also
34 been disproportionately impacted by environmental conditions at
35 the Hunters Point Shipyard and other heavy industrial uses in the
36 area.

37 (e) In 1997, the San Francisco Redevelopment Agency and the
38 City and County of San Francisco adopted a redevelopment plan
39 to provide for the economic development and revitalization of the



1 Hunters Point Shipyard. This act makes the authority responsible
2 for administering that redevelopment plan.

3 (f) The Hunters Point Shipyard and adjacent areas include
4 lands that were historically tide and submerged lands subject to the
5 public trust, as well as historic uplands that were not subject to the
6 trust. Beginning in 1861, some of the tide and submerged lands
7 were granted to private owners under various state statutes.
8 Portions of those lands were subsequently filled and reclaimed.
9 Tide and submerged lands that were not filled, as well as certain
10 portions of the filled lands, remained subject to the public trust.

11 (g) All former and existing tide and submerged lands within the
12 redevelopment area over which the public trust has not been
13 terminated are subject to the public trust upon their conveyance
14 from federal ownership. In anticipation of the transfer of the
15 shipyard to the San Francisco Redevelopment Agency, the
16 Legislature enacted the Hunters Point Shipyard Conversion Act of
17 2002, Chapter 464 of the Statutes of 2002, which granted in trust
18 to the San Francisco Redevelopment Agency the state's sovereign
19 interest in certain lands within and adjacent to the shipyard and
20 established the San Francisco Redevelopment Agency as the trust
21 administrator for those lands. This act transfers all of the state's
22 sovereign interest in those trust lands from the San Francisco
23 Redevelopment Agency to the authority and establishes the
24 authority as the trust administrator for those lands.

25 (h) The Navy has the authority under federal law to convey the
26 Hunters Point Shipyard to the city, the San Francisco
27 Redevelopment Agency, or, subsequent to the enactment of this
28 act, to the authority, as the local reuse authority for the Hunters
29 Point Shipyard.

30 (i) By providing that 50 percent of the Hunters Point Shipyard
31 Development Authority board shall be selected from a list
32 provided by the district supervisor for the Bayview-Hunters Point
33 community, this act will afford the community most negatively
34 affected by the closure of the Hunters Point Shipyard more
35 significant decisionmaking opportunities regarding the
36 redevelopment of the Hunters Point Shipyard than are generally
37 provided to general purpose redevelopment agencies under the
38 Community Redevelopment Law (Part 1 (commencing with
39 Section 33000) of Division 24 of the Health and Safety Code). In
40 doing so, this act will further the principles of environmental

1 justice and facilitate the conversion of the Hunters Point Shipyard
2 to productive civilian reuse. This act advances the purposes of the
3 Community Redevelopment Law and the public trust, and is in the
4 best interests of the people of this state.

5 33492.153. The following definitions apply for purposes of
6 this article:

7 (a) “At large appointees” means the members who are eligible
8 at large candidates appointed by the mayor pursuant to
9 subparagraph (D) of paragraph (1) of subdivision (b) of Section
10 33492.154.

11 (b) “Authority” means the Hunters Point Shipyard
12 Development Authority.

13 (c) “Board of Supervisors” means the Board of Supervisors of
14 the City and County of San Francisco.

15 (d) “Bonds” includes, without limitation, lease revenue bonds
16 and other bonds, lease financing arrangements, and certificates of
17 participation.

18 (e) “Charter” means the Charter of the City and County of San
19 Francisco adopted on November 7, 1995, and effective as of July
20 1, 1996, and as it may be amended from time-to-time.

21 (f) “City” means the City and County of San Francisco.

22 (g) “Conversion act” means the Hunters Point Shipyard
23 Conversion Act of 2002, Chapter 464 of the Statutes of 2002, and
24 as it may be amended from time-to-time.

25 (h) “District elections” means elections of members of the
26 board of supervisors by district as set forth in Section 13.110 of the
27 Charter of the City and County of San Francisco.

28 (i) “District 10” means the tenth supervisorial district as
29 described in the charter, and as it may be reconfigured from time
30 to time.

31 (j) “District 10 supervisor” means the member of the board of
32 supervisors elected by the District 10 electorate pursuant to the
33 charter.

34 (k) “Eligible at large candidate” means a person who has
35 expertise in real estate development and finance, urban planning
36 and design, affordable housing, arts, culture and education,
37 hazardous materials remediation, or other areas of expertise
38 relevant to the redevelopment of the Hunters Point Shipyard.

39 (l) “Eligible at large candidates list” means a list of not less
40 than six eligible at large candidates submitted to the mayor by the

District 10 supervisor, or if district elections cease, then a list of not less than six eligible at large candidates submitted to the mayor by the board of supervisors from which the mayor may appoint the at large appointee members of the HUPSDA board. The eligible at large candidates list shall be updated by the District 10 supervisor, or if district elections cease, then by the board of supervisors to fill any vacancy of an at large appointee on the HUPSDA board, as set forth in paragraph (3) of subdivision (b) of Section 33492.154.

(m) “Ex officio appointees” means the members automatically appointed to the HUPSDA board by virtue of their positions within the city or the San Francisco Redevelopment Agency pursuant to subparagraphs (A) to (C), inclusive, of paragraph (1) of subdivision (b) of Section 33492.154.

(n) “Full board” means the HUPSDA board comprised of three ex officio appointees and three at large appointees.

(o) “Hunters Point Shipyard” or “shipyard” means all that real property situated in the City and County of San Francisco, State of California, and depicted on that certain Record of Survey entitled ‘Hunters Point Shipyard,’ filed October 3, 2000, in Book Z of Maps at Pages 135-147, inclusive, Official Records of that county, and more particularly described in subdivision (h) of Section 2 of the conversion act.

(p) “Hunters Point submerged lands” means all that real property situated in the City and County of San Francisco, State of California and depicted on that certain Record of Survey entitled “Hunters Point Shipyard,” filed October 3, 2000, in Book Z of Maps at Pages 135-147, inclusive, Official Records of that county, and on that certain United States Army Corps of Engineers map entitled “San Francisco Bay, California, Harbor Lines, San Francisco,” Drawing Number 1-4-19, Sheet 8 of 8, dated February 13, 1948, on file at the Port of San Francisco, Department of Engineering, San Francisco, and more particularly described in subdivision (i) of Section 2 of the conversion act.

(q) “Hunters Point trust lands” means Hunters Point trust lands as defined in subdivision (g) of Section 2 of the conversion act.

(r) “HUPSDA board” means the authority’s governing board.

(s) “Mayor” means the Mayor of the City and County of San Francisco.

(t) “Member” means a member of the HUPSDA board.

1 (u) “Navy” means the United States Navy.

2 (v) “Public trust” or “trust” means the public trust for
3 commerce, navigation, and fisheries.

4 (w) “Redevelopment area” means the project area as described
5 in the redevelopment plan, consisting of the Hunters Point
6 Shipyard and the Hunters Point submerged lands.

7 (x) “Redevelopment plan” means the Hunters Point Shipyard
8 Redevelopment Plan adopted by the San Francisco
9 Redevelopment Agency in July of 1997, pursuant to Chapter 4.5
10 (commencing with Section 33492) of Part 1 of Division 24 of the
11 Health and Safety Code.

12 (y) “San Francisco Redevelopment Agency” means the
13 redevelopment agency established by the City and County of San
14 Francisco on August 10, 1948, pursuant to this part.

15 (z) “Submission period” means the effective date of the act
16 adding this section, and thereafter, the 30 day period after either
17 a revocation of an appointment of an at large appointee to the
18 HUPSDA board by the board of supervisors pursuant to paragraph
19 (3) of subdivision (b) of Section 33492.154, or the receipt of a
20 written notice of vacancy of an at large appointee on the HUPSDA
21 board.

22 33492.154. (a) Notwithstanding Article 1 (commencing
23 with Section 33100) of Chapter 2, the Legislature hereby
24 establishes a public body, corporate and politic, known as the
25 ‘Hunters Point Shipyard Development Authority’ and designates
26 the authority as the redevelopment agency for the purpose of
27 acquiring, using, operating, maintaining, converting, and
28 redeveloping the Hunters Point Shipyard, with all of the rights,
29 powers, privileges, immunities, authorities, and duties granted to
30 a redevelopment agency pursuant to this part, as modified by
31 Chapter 4.5 (commencing with Section 33492), and other
32 applicable state laws governing redevelopment agencies, except as
33 specifically set forth in this act.

34 (b) Notwithstanding Article 2 (commencing with Section
35 33110) of Chapter 2 all of the following apply:

36 (1) The HUPSDA board shall be composed of six members as
37 follows:

38 (A) The director of the San Francisco Redevelopment Agency,
39 or the director’s designee from the agency.



1 (B) The director of the _____, or the director's designee from the
2 _____.

3 (C) The director of the _____, or the director's designee from the
4 _____.

5 (D) Three members appointed by the mayor from the eligible
6 at large candidates list, if the list is delivered by the submission
7 period, otherwise, three members who are eligible at large
8 candidates appointed by the mayor. The mayor shall appoint all
9 three required at large appointees as one group at the same time,
10 except in the case of an appointment filling a vacancy of less than
11 all three at large appointees caused by the death, resignation, or
12 removal for cause of an at large appointee.

13 (2) If a department from which an ex officio appointee is
14 required to be selected ceases to exist, the director or the designee
15 of the director of the following departments in the following order
16 shall fill the vacant position from the former department:

17 (i) _____.

18 (ii) _____.

19 (3) The District 10 supervisor, or if district elections cease to
20 exist, the board of supervisors, shall provide the eligible at large
21 candidates list to the mayor no later than the submission period. If
22 the District 10 supervisor, or if district elections cease to exist, the
23 board of supervisors, fails to provide to the mayor the eligible at
24 large candidates list within the applicable submission period, then
25 the mayor shall appoint the at large appointee necessary to fill the
26 applicable vacancy within 30 days after the expiration of the
27 applicable submission period.

28 (4) A member who is an at large appointee shall serve a term
29 of four years. A member who is an ex officio appointee shall serve
30 as long as he or she fills one of the position described in
31 subparagraphs (A) to (C), inclusive, of paragraph (1) of
32 subdivision (b), and shall, as a matter of law, be replaced as an ex
33 officio appointee of the HUPSDA board on the date he or she no
34 longer holds that position by the individual succeeding him or her
35 in that position. A vacancy occurring during a term shall be filled
36 for the unexpired term. A member shall hold office until the
37 successor has been appointed and the period of time within which
38 the board of supervisors may revoke the successor's appointment
39 expires without revocation of the appointment in accordance with
40 subparagraph (5).

1 (5) The appointment of a member to the HUPSDA board shall
2 be effective immediately upon appointment. The appointment of
3 an at large appointee is subject to revocation by a two-thirds vote
4 of the board of supervisors within 30 days after the delivery to the
5 board of supervisors of written notice of the appointment of the at
6 large appointee. When the mayor appoints all three required at
7 large appointees as one group at the same time, the revocation may
8 apply only to all three appointees, and not to an individual
9 appointee. Upon revocation of an at large appointee's
10 membership, the mayor shall appoint a replacement member
11 within 30 days after the revocation, in accordance with the
12 appointment and revocation procedures of this section.

13 (6) If at any time after the effective date of this act the
14 HUPSDA board does not have a full board for a period of 120
15 consecutive days, then within 15 days after the expiration of that
16 120-day period, the current members of the HUPSDA board shall
17 hold a public hearing to discuss why there is no full board. If at any
18 time after the effective date of this act the HUPSDA board does not
19 have a full board for a period of 180 consecutive days, then within
20 45 days after the expiration of the 180-day period, the authority
21 shall dissolve, and all assets, rights, liabilities, and obligations of
22 the authority, including, without limitation, obligations under
23 bonds, if any, shall transfer to the San Francisco Redevelopment
24 Agency, as provided in subdivision (b) of Section 33492.156.

25 (7) Notwithstanding any state or local law, including, without
26 limitation, Section 33111, the HUPSDA board may include
27 individuals who are officers or employees of the city or of the San
28 Francisco Redevelopment Agency and those individuals are not
29 precluded, solely by virtue of their status as officers or employees
30 of the city or the San Francisco Redevelopment Agency, from
31 participating in decisions as members of the HUPSDA board.

32 (8) Notwithstanding Section 1090 of the Government Code,
33 officers and employees of the city or the San Francisco
34 Redevelopment Agency are not precluded, solely by virtue of their
35 services as members of the HUPSDA board, from participating in
36 any decisions in their capacities as officers or employees of the city
37 or the San Francisco Redevelopment Agency.

38 (9) The members of the Hunters Point Shipyard Citizens
39 Advisory Committee, who function like a Project Area Committee
40 under the Community Redevelopment Law, except that they are

1 purely advisory and do not have decisionmaking authority, may
2 not be deemed to have a financial interest under Section 1090 or
3 any other provision of the Government Code when providing
4 advice to the city or the San Francisco Redevelopment Agency on
5 the redevelopment of the Hunters Point Shipyard, notwithstanding
6 that members of the Hunters Point Shipyard Citizens Advisory
7 Committee represent the interests of artists, tenants, business
8 owners, organizations, and other persons with financial interests
9 in the development of the redevelopment area.

10 (10) Notwithstanding subdivision (a) of Section 33333.2 the
11 time limits set forth therein are hereby deemed to run from the
12 effective date of this act, notwithstanding anything to the contrary
13 in the redevelopment plan.

14 33492.155. All of the state's right, title, and interest acquired
15 by virtue of its sovereignty, in the Hunters Point trust lands and the
16 Hunters Point submerged lands, granted to the San Francisco
17 Redevelopment Agency pursuant to the conversion act, is
18 transferred and granted to the authority. To the extent that the San
19 Francisco Redevelopment Agency has not yet acquired rights in
20 the Hunters Point submerged lands pursuant to Section 4 of the
21 conversion act, these rights shall be granted to the authority upon
22 the conveyance by the federal government to the authority of any
23 piers or other appurtenances located in part on the Hunters Point
24 submerged lands. The authority shall hold the Hunters Point trust
25 lands and the Hunters Point submerged lands subject to the public
26 trust, the requirements of the conversion act, and the requirements
27 of this act. All of the requirements of the conversion act otherwise
28 applicable to the San Francisco Redevelopment Agency shall be
29 applicable to the authority. As long as the authority exists, it shall
30 assume all of the rights and obligations of the San Francisco
31 Redevelopment Agency as trust administrator for the Hunters
32 Point trust lands as set forth in the conversion act and in this act.

33 33492.156. (a) Upon the effective date of the act, adding this
34 section, the authority is hereby vested with the responsibility for
35 carrying out the redevelopment plan. The San Francisco
36 Redevelopment Agency shall fully cooperate with the authority to
37 facilitate the transfer to the authority of the role of redevelopment
38 agency and trust administrator for the Hunters Point Shipyard.
39 Among other things, upon that date, the San Francisco
40 Redevelopment Agency shall do both of the following:

1 (1) Transfer to the authority fee title to all portions of the
2 Hunters Point Shipyard owned by the San Francisco
3 Redevelopment Agency.

4 (2) Assign to the authority, and the authority shall assume from
5 the San Francisco Redevelopment Agency, all agreements
6 lawfully entered into by the San Francisco Redevelopment
7 Agency directly related to the redevelopment of the Hunters Point
8 Shipyard, including without limitation, any conveyance
9 agreements, leases, licenses, or utility agreements with the Navy,
10 and all exclusive negotiating agreements, conveyance agreements,
11 disposition and development agreements, and other agreements
12 transferring title to or otherwise conferring the right to use or
13 occupy, or the right to conduct operations upon or within the
14 Hunters Point Shipyard.

15 (b) If the authority is dissolved, by operation of law, or
16 otherwise, then effective immediately upon the effective date of
17 the dissolution of the authority, all assets, rights, liabilities and
18 obligations of the authority, including, without limitation,
19 obligations under bonds, if any, shall transfer to the San Francisco
20 Redevelopment Agency.

21 (c) The authority shall be deemed the local reuse authority for
22 the Hunters Point Shipyard.

23 SEC. 2. The Legislature finds and declares that, because of the
24 unique circumstances applicable only to the trust lands described
25 in this act, relating to the transfer of the Hunters Point Shipyard out
26 of federal ownership, a statute of general applicability cannot be
27 enacted within the meaning of subdivision (b) of Section 16 of
28 Article IV of the California Constitution. Therefore, this special
29 statute is necessary.

30 SEC. 3. Notwithstanding Section 17610 of the Government
31 Code, if the Commission on State Mandates determines that this
32 act contains costs mandated by the state, reimbursement to local
33 agencies and school districts for those costs shall be made pursuant
34 to Part 7 (commencing with Section 17500) of Division 4 of Title
35 2 of the Government Code. If the statewide cost of the claim for
36 reimbursement does not exceed one million dollars (\$1,000,000),
37 reimbursement shall be made from the State Mandates Claims
38 Fund.

O